

Exhibit 47

UNITED STATES OF AMERICA
DEPARTMENT OF LABOR
EMPLOYMENT BENEFITS ADMINISTRATION

In the Matter of the Investigation)
of U.A. LOCAL 38 EMPLOYEE BENEFIT)
PLANS.) Case No. 70-010-846
_____)

DEPOSITION OF GREGORY J. BENNETT

San Francisco, California

Tuesday, October 28, 2003

Reported by:
DIANE M. GALLAGHER, RPR
CSR No. Michigan 2191
JOB No. 47274

MZLA 0000366

1 the hotel of the year in all of their hotels in Stevens
2 Point, as the night manager, which was a big accolade.
3 And in Fairfield they had, I won some awards, and they
4 sent us to Hawaii on a trip, etc. So I had a
5 successful career.

6 And I simply remember selling myself with the
7 things that I thought I did best, operations, cost
8 controls, financials and advertising and marketing,
9 concert programs, all of those things that I thought I
10 brought to the table that could benefit a facility like
11 Konocti.

12 Q What was your impression of Konocti when you
13 arrived as the assistant general manager?

14 A Very old. Very run down.

15 Q How old was it?

16 A Well, I arrived in '90, so 30-some years old,
17 but very run down.

18 Q Can you describe how, what do you mean by very
19 run down?

20 A Well, sometimes I still wonder why I came in
21 1990. You know, it was seriously -- the mattresses
22 were (Indicating) were like, were curved, were worn.

23 Q You are gesturing there were really deep
24 depressions in the mattresses?

25 A Uh-huh, and with the standard room care program

1 A I think I would, I would say probably Larry, of
2 course, Senior; but Frank is probably involved in that
3 also.

4 Q Do you have a meeting with them where you
5 discuss your performance?

6 A Uh-huh.

7 THE REPORTER: Is that yes?

8 THE WITNESS: Yes, sorry, yes.

9 Q (BY MR. TEDESCO) Where is that held?

10 A Well, probably all of years I have been there,
11 probably at least 10 or 11 of the years down here.

12 Q In San Francisco?

13 A In the board room, so Market Street. I would
14 usually bring a whole report and report on the year,
15 report on the financials, report on the projects, report
16 what we are working on, that sort of thing.

17 So once a year, usually; sometimes a couple
18 times a year.

19 Q Do you ever report to anyone else besides Frank
20 Sullivan and Larry Mazzola?

21 A No.

22 Q So do you ever provide any kind -- you don't
23 provide any kind of reports to the Board of Trustees of
24 any of the trusts that are sponsored by U.A. Local 38?

25 A I don't have anything to do with the trusts. I

125

1 just run the resort.

2 Q How about the trustee of the Convalescent
3 Trust? Do you ever provide reports to him?

4 A Trustee? I mean, Larry, Frank, and, of
5 course, the independent auditor, Jerry. But that's it.

6 Q Do you ever have meetings with the independent
7 trustee of the Convalescent Trust.

8 A Is that M. M. Smith?

9 Q Do you know?

10 A Independent trustee?

11 Q Uh-huh.

12 A No. I think -- no, I have never had a meeting
13 with him, to the best of my recollection. I may have
14 met him once in the early days, but, no, not that I
15 remember.

16 Q Do you have a bonus program at Konocti?

17 A Yes.

18 Q And how does that work?

19 A It's for the executive committee. It's based
20 on annual performance, based on financial numbers off
21 the profit and loss statements.

22 It's paid annually. I guess the question
23 would be, how detailed would you like me to get? Just
24 a general summary?

25 Q Who decides how big the bonuses are?

126

1 doesn't have is not something that a person at my level
2 is traditionally involved in, nor in this case was I.

3 I am involved operationally, financially, being
4 held accountable for those numbers I control.

5 Concerning reinvestment of capital projects,
6 those sorts of things, I had those things approved
7 through Larry, and how many dollars were available, what
8 was available, those were his decisions to make.

9 I don't have control nor input in where that
10 comes from or how much it is or what it is.

11 So my responsibility is pretty much stop at the
12 gate, which is, this is what I recommend, this is what I
13 think the best decision is. This is what I think it
14 will generate. This is why we should do it. And the
15 decision is made from that point.

16 Q By others?

17 A Yes.

18 Q And the ownership, you refer to the ownership
19 group. In your mind, who is the ownership group?

20 A Larry and Frank, as I said previously.

21 Q Who owns the amphitheater?

22 A The same people that own Konocti Harbor Resort
23 & Spa.

24 Q Who are?

25 A Convalescent Trust Fund of Local 38.

1 Q Convalescent Trust Fund of Local 38 makes its
2 decisions through Larry and Frank?

3 A That would be my assessment.

4 Q In your experience?

5 A Yes, uh-huh.

6 Q When you worked at the other hotels, did you
7 make any capital improvements; Ventura, for example?

8 A I can't remember. I am sure we did.

9 Q You initiated concerts at one of those venues.
10 Which one was it?

11 A Ventura.

12 Q Did you need to alter any infrastructure or
13 invest any money in infrastructure?

14 A A little bit.

15 Q Like what kinds of improvements were made for
16 that purpose?

17 A Oh, chairs, tables. We built a patio area to
18 do the pre-show parties, had to build, to build the
19 stage a little bigger, had to buy lights.

20 Q That's an expenditure. Who had to approve that
21 expenditure?

22 A My boss, director of operations, because in
23 that structure they had 13 or so hotels, so I reported
24 to the director of operations of that company, and he
25 made that decision, or he went to the owner, Ed